

**Award**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Marguerite Ryan (Claimant) v. Anthony Otto DeGregorio, Sr. (Respondent)

Case Number: 04-00504

Hearing Site: Newark, New Jersey

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Nature of the Dispute: Customer vs. Associated Person.

**REPRESENTATION OF PARTIES**

Claimant Marguerite Ryan ("Ryan") hereinafter referred to as "Claimant": Virginia K. Sourlis, Esq., Red Bank, NJ.

Respondent Anthony Otto DeGregorio, Sr. ("DeGregorio") hereinafter referred to as "Respondent": Edward M. Fink, Esq., Edison, NJ. Previously *pro se*.

**CASE INFORMATION**

Statement of Claim filed on or about: January 22, 2004.

Claimant signed the Uniform Submission Agreement: January 10, 2004.

Statement of Answer filed by Respondent on or about: July 27, 2004.

Respondent did not sign the Uniform Submission Agreement.

**CASE SUMMARY**

Claimant asserted the following causes of action: unsuitability; breach of contract; and negligence. The causes of action relate to unspecified securities.

Unless specifically admitted in his Answer, Respondent denied the allegations made in the Statement of Claim defenses.

**RELIEF REQUESTED**

Claimant requested compensatory damages in the amount of \$400,000.00 on the first claim, \$400,000 on the second claim and \$400,000 on the third claim; punitive damages in the amount of \$1,000,000.00; costs, including reasonable attorneys' fees; and such other relief as the Panel deems just and proper.

### **OTHER ISSUES CONSIDERED AND DECIDED**

Respondent did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the Code and, having answered the claim, and appeared and testified at the hearing, is bound by the determination of the Panel on all issues submitted.

Prior to the hearing, Respondent made a motion for summary judgment. After due consideration, the Panel denied the motion.

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

### **AWARD**

After considering the pleadings, and the testimony and evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are denied in their entirety.
2. Any and all relief not specifically addressed herein, including punitive damages, is denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

NASD Dispute Resolution will retain or collect the non-refundable filing fees for each claim:  
Initial claim filing fee = \$500.00

#### **Forum Fees and Assessments**

The Panel has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel @ \$1,200.00	= \$1,200.00
Pre-hearing conference: July 19, 2004 1 session	
Two (2) Hearing sessions @ \$1,200.00	= \$2,400.00
Hearing Date: October 12, 2004 2 sessions	
Total Forum Fees	= \$3,600.00

1. The Panel has assessed \$3,600.00 of the forum fees against Claimant.

**Fee Summary**

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 500.00
Forum Fees	= \$3,600.00
Total Fees	= \$4,100.00
<u>Less payments</u>	<u>= \$1,700.00</u>
Balance Due NASD Dispute Resolution	= \$2,400.00

All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

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NASD REGULATION

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**ARBITRATION PANEL**

Richard M. Gaba, Esq.	-	Public Arbitrator, Presiding Chairperson
Steven D. Leader	-	Public Arbitrator
Frank Irizarry, Esq.	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument is which is my award.

  
\_\_\_\_\_  
Richard M. Gaba, Esq.  
Public Arbitrator, Presiding Chairperson

10-19-04  
Signature Date

\_\_\_\_\_  
Steven D. Leader  
Public Arbitrator

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Frank Irizarry, Esq.  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

October 21, 2004  
Date of Service (For NASD Dispute Resolution use only)

NASD Dispute Resolution

Arbitration No. 04-00504

Award Page 4 of 4**ARBITRATION PANEL**

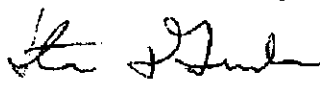
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Public Arbitrator, Presiding Chairperson

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Signature Date

  
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Steven D. Leader  
Public Arbitrator

Oct. 21, 2004  
Signature Date

\_\_\_\_\_  
Frank Irizarry, Esq.  
Non-Public Arbitrator

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Steven D. Leader  
Public Arbitrator

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